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UNITED STATES DISTRICT COURT
 NORTHERN DISTRICT OF CALIFORNIA
 OAKLAND DIVISION

OMNI MEDSCI, INC.,

*Plaintiff and Counter
 Defendant,*

v.

APPLE INC,

*Defendant and Counter
 Plaintiff.*

) Case No.: 20-cv-00563-YGR
)
) **STIPULATION AND [PROPOSED]**
) **ORDER TO STAY PENDING**
) **RESOLUTION OF *INTER PARTES***
) **REVIEW**
)
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Pursuant to Civil L.R. 7-12, Plaintiff Omni MedSci Inc. (“Omni”) and Defendant Apple Inc. (“Apple”), hereby stipulate and agree as follows:

WHEREAS Omni filed its Complaint against Apple before this Court on January 24, 2020, alleging infringement of U.S. Patent No. 10,517,484 (the “’484 patent”). ECF No. 1.

WHEREAS on January 22, 2021, Apple filed a request for *inter partes* review of all claims of the ’484 patent. IPR2021-00453, Paper No. 1 at 7.

WHEREAS on August 6, 2021, the Patent Trial and Appeal Board (“PTAB”) issued a decision to institute *inter partes* review of the ’484 patent. Ex. A, IPR2021-00453, Paper No. 7.

WHEREAS the PTAB issued a final written decision on October 14, 2020, finding unpatentable all claims of U.S. Patent No. 9,651,533 (the “’533 patent”) that Omni is asserting against Apple in the related case before this Court *Omni MedSci, Inc. v. Apple Inc.*, Case No. 19-cv-05924-YGR (N.D. Cal.) (“*Omni I*”). Ex. B, IPR2019-00916, Paper No. 39. Omni is appealing that decision. Notice of Appeal, *Apple Inc. v. Omni MedSci, Inc.*, Case No. 21-1229 (Fed. Cir. Nov. 13, 2020), ECF No. 1.

WHEREAS the PTAB issued a final written decision on June 14, 2021, finding unpatentable all claims of U.S. Patent No. 10,188,299 (the “’299 patent”) that Omni is asserting against Apple in the related case before this Court *Omni MedSci, Inc. v. Apple Inc.*, Case No. 19-cv-05673-YGR (N.D. Cal.) (“*Omni II*”). Ex. C, IPR2020-00175, Paper No. 26. Omni is appealing that decision. Notice of Appeal, *Apple Inc. v. Omni MedSci, Inc.*, Case No. 21-2213 (Fed. Cir. Aug. 21, 2021), ECF No. 1.

WHEREAS the Court stayed the *Omni I* and *Omni II* actions on November 20, 2019, pending final resolution of the asserted patents’ respective *inter partes* reviews. *Omni I*, ECF No. 338; *Omni II*, ECF No. 219.

WHEREAS the ’484 patent is related to the ’533 patent asserted in *Omni I* and the ’299 patent asserted in *Omni II*.

NOW THEREFORE, in light of the PTAB’s decision to institute *inter partes* review on all claims of the ’484 patent in IPR2021-00453 and decisions finding unpatentable the claims of the patents asserted in *Omni I* and *Omni II* related to the ’484 patent, the parties by and through their

respective counsel of record, hereby stipulate and agree that the case should be stayed until final resolution of IPR2021-00453.

IT IS SO STIPULATED.

Dated: December 3, 2021

By: /s/ Thomas A. Lewry

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PURSUANT TO STIPULATION, IT IS SO ORDERED:

Omni MedSci, Inc. v. Apple Inc., Case No. 20-cv-00563-YGR is hereby STAYED until final resolution of the *inter partes* review proceeding IPR2021-00453.

Dated: _____

By: _____
Hon. Yvonne Gonzalez Rogers
United States District Court Judge

CERTIFICATION PURSUANT TO CIVIL L.R. 5-1(i)(3)

Pursuant to Civil Local Rule 5-1(i)(3), I hereby certify that concurrence in the filing of this document has been obtained from the signatories for whom a signature is indicated by a conformed signature (/s/). I have on file records to support this concurrence for production for the Court if so ordered.

Dated: December 3, 2021

/s/ Irene Yang

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